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Date: 2-12-2004

By: Susan L. Baka
Susan L. Baka

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: SEGAL *ET AL.*

APPLICATION No.: 10/621,833

FILED: JULY 16, 2003

FOR: METHOD AND COMPOSITION FOR INHIBITING
CANCER CELL GROWTH

EXAMINER: NOT ASSIGNED

ART UNIT: 1651

CONF. No: 9297

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No. _____ :

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).

☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- ☐ All cited references
- ☐ References marked by ampersands
- ☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

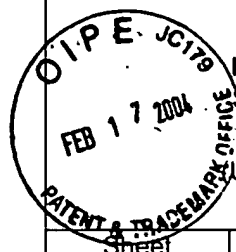
Respectfully submitted,
Perkins Coie LLP

Date: February 11, 2004

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
Form PTO-1449 (Modified)
Use several sheets if necessary)

COMPLETE IF KNOWN

Application Number	10/621,833
Confirmation Number	9297
Filing Date	July 16, 2003
First Named Inventor	Don Segal
Group Art Unit	1651
Examiner Name	Not Assigned
Attorney Docket No.	54800-8023.US00

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		6,248,330		Labigne et al.	05/02/1995	
		6,126,938		Guy et al.	02/04/1998	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		WO	95/22987 ✓		Oravax, Inc.	08/31/1995		
		WO	98/37207 ✓		Imperial Cancer Research Tech. Ltd.	08/27/1998		
		WO	01/00245 ✓		Genentech, Inc.	01/04/2001		
		Int'l. Search Report from Int'l. Appln. No. PCT/CA03/01061; Int'l. Filing Date: 07/16/2003						

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	✓	Bagshawe, K.D., et al., "A cytotoxic agent can be generated selectively at cancer sites," <i>Br. J. Cancer</i> 58 pp. 700-703 (1988).	
	✓	Herron, J.N., et al., "Antibodies and targeting moieties: affinity measurements, conjugation chemistry and applications in immunoliposomes," <i>J. Controlled Release</i> 28:1/3 pp. 155-166 (1994).	
	✓	Raghuand, N., et al., "Enhancement of chemotherapy by manipulation of tumour pH," <i>B. J. Cancer</i> 80:7 pp. 1005-1011 (1999).	
	✓	Shi, G., et al., "Efficient intracellular drug and gene delivery using folate receptor-targeted pH-sensitive liposomes composed of cationic/anionic lipid combinations," <i>J. Controlled Release</i> 80:1-3 pp. 309-319 (2002).	
	✓	Wampler, G.L., et al., "Antitumor activity of acetohydroxamic acid," <i>Proceedings of AACR and ASCO, Abstract</i> 18 pg. 214 (1977).	
	✓	Zimber, A., et al., "Effect of Urease Injections on Ehrlich Ascites Tumor Growth in Mice," <i>Proceedings of the Society for Experimental Biology and Medicine</i> 139:1 143-149 (1972).	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).